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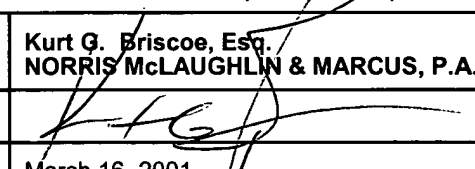
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	Application Number	09/265,779	
	Filing Date	March 10, 1999	
	First Named Inventor	Heinrich GERS-BARLAG et al	
	Group Art Unit	1614	
	Examiner Name	R. Cook	
Total Number of Pages in This Submission		Attorney Docket Number	Beiersdorf 416.2-KGB

ENCLOSURES (check all that apply)

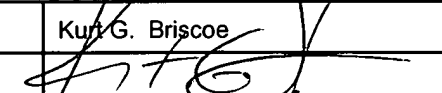
<input checked="" type="checkbox"/> Fee Transmittal Form <ul style="list-style-type: none"> <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <ul style="list-style-type: none"> <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <ul style="list-style-type: none"> <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 	<input type="checkbox"/> Assignment Papers (for an Application) <ul style="list-style-type: none"> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition to Withdraw Holding of Abandonment <input type="checkbox"/> To convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund 	<input type="checkbox"/> After Allowance Communication to Group <ul style="list-style-type: none"> <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Additional Enclosure(s) - (please identify below):
Remarks:		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Kurt G. Briscoe, Esq. NORRIS McLAUGHLIN & MARCUS, P.A.	Reg. No. 33,141
Signature		
Date	March 16, 2001	

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#6

APPLICANTS : HEINRICH GERS-BARLAG ET AL.
SERIAL NO. : 09/265,779
FILED : March 10, 1999
FOR : COSMETIC AND DERMATOLOGICAL LIGHT PROTECTION
FORMULATIONS HAVING A CONTENT OF TRIAZINE
DERIVATIVES AND GLYCERYL COMPOUNDS
ART UNIT : 1614
EXAMINER : R. Cook

March 16, 2001

Hon. Commissioner of Patents
Washington, D.C. 20231

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

SIR:

According to a Notice of Abandonment dated March 16, 2000, this application abandoned for failure to respond to an Office Action mailed on June 22, 1999. Applicants respectfully request that the holding of abandonment be reconsidered and withdrawn.

A response to the Office Action, namely a continued prosecution application (CPA) was, in fact, filed on December 22, 1999, along with a three month extension of time. However, both the CPA and the request for the time extension referred to the wrong application. Thus, instead

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of referring to “prior application number 09/265,779,” both the CPA and the request for the time extension referred to “prior application number 08/788,147,” which is the parent of 09/265,779.

According to *Manual of Patent Examining Procedure* § 201.06(d):

“Where a paper requesting a CPA is filed which does not properly identify the prior nonprovisional application number, the patent examining group should attempt to identify the proper application number by reference to other identifying information provided in the CPA papers, e.g., name of the inventor, filing date, title of the invention, and attorney’s docket number of the prior application. If the patent examining group is able to identify the correct application number of the prior application, the correct application number should be entered in red ink on the paper requesting the CPA and the entry should be dated and initialed. If the patent examining group is unable to identify the application number of the prior application and the party submitting the CPA is a registered practitioner, the practitioner may be requested by telephone to supply a letter signed by the practitioner providing the correct application number.”

These procedures were not followed in the instant case, as the first indication that Applicants had that the Office was unable to match the papers was upon receiving the Notice of Abandonment, which was received on March 20, 2000. It was at this point that the office of the

undersigned immediately contacted the group, explained the situation, and was instructed by Ms. Renee Pettus to resubmit the papers by fax along with an indication of correct serial number, at which time the secretary to the undersigned submitted to the Office on March 21, 2000, a fax cover sheet showing the correct serial number and including copies of the previously submitted, but incorrectly identified, CPA papers, including the time extension request. As proof of that fact, there are attached copies of the fax cover sheet, the attachments thereto, which total 10 pages, and the fax confirmation report, which shows that all 10 pages were safely received in Group 1600 on March 21, 2000.

Since March 21, 2000, a status letter was filed on August 29, 2000 (copy attached), but no answer was received. Also, telephone inquiries were made again on October 24, 2000, and February 6, 2001, but, again, no information could be gained about the status of the application. Finally, on March 1, 2001, Ms. Rosa Thomas indicated that the application was still regarded as abandoned, and that a petition seeking to withdraw that holding should be filed.

In view of the foregoing, Applicants submit that the application did not, in fact, go abandoned. Therefore, Applicants request that the Commissioner withdraw the holding of abandonment and return this application to pending status.

No fee is believed to be due in connection with the consideration of this petition. However, should the Commissioner determine that any fee is, in fact, due, he is hereby